THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 7258 OF 2004

4th January, 2007

Between:

A. Sita Rama Swamy

… Petitioner

And

Sri Veera Venkata Satyanarayana Swamy Vari
Devasthanam, Annavaram, Sankhavaram Mandal,
East Godavari District, represented by its
Executive Officer and another.

…Respondents.

ORAL ORDER:

This writ petition is filed for a direction to the respondents to pay the salary in the scale attached to the post of Record Assistant to the petitioner.

In the affidavit filed in support of the writ petition, it is stated that the petitioner was initially appointed as Ticket Seller on being sponsored by the employment exchange on a consolidated pay of Rs. 450/- by the first respondent herein vide proceedings dated 15.9.1989 in Rc.No.A1/2696/89-2. After completion of five years service, petitioner's services were regularized vide proceedings in D.Dis.No.A2/3873/95, dated 31.1.1995 and he was extended with the pay scale attached to the Last Grade Service. Thereafter, the petitioner was promoted to the post of Record Assistant by proceedings in Rc.No.Peshi/2094/2000, dated 31.8.2000 by the Executive Officer of the first respondent-temple, but he is not being paid the salary in the scale attached to the post of Record Assistant. Therefore, the present writ petition.

In the counter-affidavit filed on behalf of the first respondent, it is stated that there are only 9 posts of Record Assistants in the cadre strength approved for the first respondent temple and there was no post available in the cadre of Record Assistant as on the date of the promotion of the petitioner. There were 13 posts in the cadre of Record Assistants prior to 1995 and the same were subsequently reduced to 9 in the year 1995. Now 12 persons are working as Record Assistants in the first respondent-temple. There was no clear vacancy available in the approved cadre when the petitioner was promoted to the post of Record Assistant. Therefore,

proposals were sent to the Commissioner of Endowments seeking fixation of 17 posts in the cadre strength of Record Assistants, which are pending consideration.

On the other hand, learned Government Pleader appearing for the second respondent-Commissioner submits that on the proposals sent by the first respondent-temple, a Committee consisting of Additional Commissioner, Joint Commissioner and Deputy Commissioner is constituted to work out the expenditure to be incurred towards the establishment charges on account of the proposals for upgradation of posts and sanction of additional posts and the matter is under consideration.

Under the scheme of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 the cadre strength of a temple has to be approved by the Commissioner. Unless a clear vacancy of Record Assistant is available and the petitioner is promoted to such a post, he is not entitled to the scale of pay. As much as it is stated that there was no vacancy available in the cadre of Record Assistants approved by the Commissioner as on the date of the promotion of the petitioner, no direction can be given for payment of salary in the scale attached to the post of Record Assistant. However, it is stated that proposals have been sent by the first respondent-temple to the Commissioner of Endowments for fixation of higher cadre strengths in the first respondent-temple.

In view of the above, I dispose of the writ petition directing the second respondent to finalise the proposals sent by the first respondent and pass appropriate orders as expeditiously as possible, and, preferably, within a period of two months from the date of the receipt of a copy of this order. In case, additional posts are approved in the cadre of Record Assistants, the petitioner shall be shown in such posts and shall be paid the scale attached to the post of Record Assistant. Otherwise, he shall be shown as

promoted in the immediate future vacancy that arises and shall be paid the scale attached to the said post from such date.

Subject to above observations, the writ petition is disposed of. No costs.

_____

4.1.2007

R.SUBHASH REDDY, J.

VR